

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSH L. ANDERSON,

Plaintiff,

v.

LARRY KOPKO, et al.,

Defendants.

Civil Action No. 04-135 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 19, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 37], filed on December 13, 2005, recommended that Defendants' Kopko and Ickert's motion to dismiss [Doc. No. 27] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections on December 27, 2005 [Doc. No. 43], and Defendants filed a response to the objections [Doc. No. 41] and brief in support of the response [Doc. No. 42]. After de novo review of the motion and documents in the case, together with the Report and Recommendation, objections thereto and response to the objections, the following order is entered:

AND NOW, this 6th day of January, 2006;

IT IS HEREBY ORDERED that the Defendants' Kopko and Ickert's motion to dismiss [Doc. No. 27] is GRANTED.

The Report and Recommendation [Doc. No. 37] of Magistrate Judge Baxter, filed on December 13, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge